GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR).

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Durga Parameshwari Motor Service, Mangalore.

Award of the Labour Court, Hubli—Published.

Read the following Papers :—

(1) Letter No. 1532/67-68, dated 25th October 1967, from Shri Syed Azizuddin, Ahmed Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI

Dated this 25th day of October 1967.

Reference.

(ID) (LCH) No. 47 of 1967.

Present :

Sri Syed Azizuddin Ahmed, M, A., B. L., Presiding Officer.

Between

The Workmen of Shri Durga Parameshwari Motor Service, Mangalore represented by The Secretary, S. K. Automobile and Engineering Workers, Union, Maidan Cros Road, Mangalore.

.... *I party*

and

The Management, Durga Parameshwari Motor Service, Mangalore.

... *II party*

This is a reference U/s 10 (1) (c) of the Industrial Disputes Act, 1947 made by the Government of Mysore in their Order No.

LMA 367 LLD 67, dated 20th June 1967. The points of dispute referred for adjudication are as under:—

I. Are the workmen of Shri Durga Parameshwari Motor Service, Mangalore, entitled for the payment of Bonus for the years 1962-63 and 1963-64?

II. If so to what amount are they entitled to Bonus for the above years?

2. The cause of the aggrieved workmen has been sponsored and espoused by The S. K. Automobile and Engineering Workers' Union, Maidan Road, Mangalore represented by its Secretary. Sri Srinivas appeared for the I Party. There was no one present on behalf of the II Party. Notices were issued to both the parties to file their pleadings but they have failed to do so.

3. When the case was taken up for hearing at Mangalore camp on 18th October 1967, there was no one present on behalf of the parties in the first sitting. In the second sitting Sri Srinivas appeared. When I drew his attention to the fact that no Claim Statement was filled, he replied that the matter was too simple to need a Claim Statement. This is indeed over-simplifying the matter. The points of dispute specified in the order of reference were adopted as issues in the case. There were no witnesses present on behalf of the I party. Sri Srinivas argued the matter impromptu. He stated that the management has made huge profits and they must pay their workmen bonus for the years 1962–63 and 1963–64. I am not at all prepared to give credence to the bald statement of the representative of the I party that the management had made huge profits during the relevent period. In a ruling reported in 1963 (2) LLJ page 608, Their Lordships of the Supreme Court have observed:

> "A claim for bonus for instance is entertained on the grounds of social justice and is not based on any statutory provision. In such a case, it would, no donbt be open to industrial adjudication to have regard to all the relevent considerations before awarding the claim and in doing so if it appears that a claim for bonus was made after long laps of time, industrial adjudication may refuse to entertain the claim or Government may refuse to make reference in that behalf."

The claim for bouns for the years 1962-63 and 1963-64 is not covered by the payment of Bouns Act. The claim is belated. There is no Claim statement laying foundations for the claim. There is no evidence to show that the management had made profits to warrant payment of bonus. The points of dispute are decided against the I party.

AWARD

The reference is rejected. In view of the circumstances, the parties shall bear their own costs.

Place : Hubli.

Date :25-10-1967.

SAYED AZIZUDDIN AHMED,
Presiding Officer,
Labour Court, Hdli

ORDER

Bangalore, dated 31st October 1967.

S. O. 2167.—WHEREAS by State Government Order No. LMA 367 LLD 67, dated 20th June 1967; the Industrial Dispute between the Workmen and the Management of Durga Parameshwari Motor Service, Mangalore was referred to the Labour Court, Hubli for adjudication;

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. FCL 367 LLD 67.]

By Order and in the name of the Governor of Mysore,

1394 G. G. PUROHIT, *Under Secy.*